APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/045,436	11/07/2001	Mark A. Kirkpatrick	60027.0075US01/BS01302	9937

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EXAMINER
DODDS, HAROLD E

ART UNIT	PAPER NUMBER
2177	

DATE MAILED: 09/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/045,436	KIRKPATRICK ET AL.
	Examiner	Art Unit
	Harold E. Dodds, Jr.	2177

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 November 2001*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the

basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described
> as set forth in section 102 of this title, if the differences between the subject matter sought to
> be patented and the prior art are such that the subject matter as a whole would have been
> obvious at the time the invention was made to a person having ordinary skill in the art to which
> said subject matter pertains. Patentability shall not be negatived by the manner in which the
> invention was made.

This application currently names joint inventors. In considering

patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that

the subject matter of the various claims was commonly owned at the time any

inventions covered therein were made absent any evidence to the contrary.

Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor

and invention dates of each claim that was not commonly owned at the time a

later invention was made in order for the examiner to consider the applicability of

35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35

U.S.C. 103(a).

2.   Claims 1-6 and 10-20 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Hamlin et al. (U.S. Patent No. 6,477,504), Piller (U.S. Patent

No. 6,622,175), and Austin (U.S. Patent No. 6,763,395).

3.   Hamlin renders obvious independent claims 1 and 15 by the

following:

"...maintaining a survey database..." at col. 13, lines 45-49.

"...said database comprising said one or more questions..." at col. 13, lines 45-49

and col. 14, lines 12-14.

"...for each question..." at col. 14, lines 12-14.

"...receiving a request for a network resource including said electronic survey..."

at col. 5, lines 14-22.

"...in response to said request..." at col. 12, lines 27-29.

"...should be utilized to respond to said request..." at col. 12, lines 27-29.

"...should not be utilized to respond to said request..." at col. 12, lines 27-29.

"...for displaying said questions..." at col. 7, lines 2-17.

"...and said input fields..." at col. 11, lines 27-29 and col. 10, lines 37-39.

"...in a web browser..." at col. 5, lines 62-65.

"...as a response to said request for a network resource..." at col. 12, lines 27-29

and col. 5, lines 14-22.

Hamlin does not teach the use of class files, markup languages, and field

types.

4.   However Piller teaches the use of class files as follows:

"...determining whether a previously compiled class file..." at col. 6, lines 11-17.

"...in response to determining that a previously compiled class file..." at col. 6,

lines 11-17.

"...creating an executable class file..." at col. 9, lines 19-22.

"...by executing said class file..." at col. 9, lines 19-22.

The term "before" is used to represent "previously" in the "previously compiled

class file".

It would have been obvious to one ordinarily skilled in the art at the time of the invention to combine Piller with Hamlin to use class files with databases to store survey questions in order to allow users of the system the use of modern standard technology for the storage of data in a database and gain greater acceptance of the system. Hamlin and Piller have related applications and use related technologies. They teach the use of computers, the use of networks, the use of clients, the use of servers, the sending of requests, and the sending of responses. Hamlin provides the survey database with questions, the sending of requests, the sending of responses, and using web browsers and Piller provides compiled class files.

Piller does not teach the use of markup languages and the use of field types.

5.   However. Austin teaches the use of markup languages and the use of field types as follows:

"...and data identifying a type of input field..." at col. 19, lines 17-34.

"...capable of generating markup language..." at col. 9, lines 21-23.

"...generating said markup language..." at col. 9, lines 21-23.

"...and returning said markup language..." at col. 2, lines 12-16.

It would have been obvious to one ordinarily skilled in the art at the time of the invention to combine Austin with Hamlin and Piller to use markup languages to process the class files in order to allow transfer of information in the class files over the network through the use of standard technology and gain greater acceptance of the system. Likewise, it would have been obvious to one ordinarily

skilled in the art at the time of the invention to combine Austin with Hamlin and

Piller to use definitions of field types in a database in order to provide information

on the formats of questions, response data, and criteria for the ranges and types

of data in these fields in order to provide flexability of the system and gain greater

acceptance of the system. Hamlin, Piller, and Austin have related applications

and use related technologies. Hamlin, Piller, and Austin teach the use of

computers, the use of networks, the use of clients, the use of servers, the

sending of requests, and the sending of responses, Hamlin and Austin teach the

use of databases, the use of fields, the use of formats, and the use of browsers,

and Piller and Austin teach the use of object classes. Hamlin provides the

survey database with questions, the sending of requests, the sending of

responses, and using web browsers, Piller provides compiled class files, and

Austin provides the markup languages and field types.

  6. As per independent claim 10, the "...survey database comprising

said one or more questions...," is taught by Hamlin at col. 13, lines 45-49 and col.

14, lines 12-14,

the "...and data identifying a type of input field...," is taught by Austin at col. 19,

lines 17-34,

the "...for each question...," is taught by Hamlin at col. 14, lines 12-14,

the "...a network resource including said electronic survey..." is taught by Hamlin

at col. 5, lines 14-22,

the "...and a software component for receiving and responding to requests for said network resource...," is taught by Hamlin at col. 12, lines 27-29 and col. 12, lines 45-48,

the "...said software component operative to determine whether a previously compiled class file...," is taught by Piller at col. 6, lines 11-17,

the "...should be utilized to respond to a request for said network resource...," is taught by Hamlin at col. 12, lines 27-29 and col. 12, lines 45-48,

the "...to create an executable class file...," is taught by Piller at col. 9, lines 19-22,

the "...capable of generating markup language...," is taught by Austin at col. 9, lines 21-23,

the "...for displaying said questions...," is taught by Hamlin at col. 7, lines 2-17,

the "...and said input fields...," is taught by Hamlin at col. 11, lines 27-29 and col. 10, lines 37-39,

the "...in a web browser...," is taught by is taught by Hamlin at col. 5, lines 62-65,

the "...in response to determining that a previously compiled class file should not be utilized...," is taught by Piller at col. 6, lines 11-17,

the "...to execute said class file...," is taught by Piller at col. 9, lines 19-22,

the "...and to respond to said request with said markup language...," is taught by Austin at col. 9, lines 21-23,

and the "...generated by the execution of said class file...," is taught by Piller at col. 9, lines 19-22.

7.   As per claim 2, the "...determining whether a previously compiled class file should be utilized...," is taught by Piller at col. 6, lines 11-17,

the "...comprises determining whether said request for said network resource...," is taught by Hamlin at col. 5, lines 14-22,

the "...was a first request...," is taught by Hamlin at col. 3, lines 62-65 and col. 6, lines 15-18,

and the "...for said network resource...," is taught by Hamlin at col. 5, lines 14-22.

8.   As per claims 3 and 11, the "...determining whether a previously compiled class file should be utilized...," is taught by Piller at col. 6, lines 11-17,

the "...comprises determining whether said request for said network resource...," is taught by Hamlin at col. 5, lines 14-22,

the "...was a first request...," is taught by Hamlin at col. 3, lines 62-65 and col. 6, lines 15-18,

the "...for said network resource...," is taught by Hamlin at col. 5, lines 14-22,

the "...or whether a web server...," is taught by Piller at col. 10, lines 47-49,

the "...operative to provide said network resource...," is taught by Hamlin at col. 5, lines 14-22,

the "...was reset...," is taught by Austin at col. 17, lines 20-23,

the "...since the last time...," is taught by Hamlin at col. 8, lines 61-63 and col. 2, lines 7-9,

and the "...said network resource was accessed...," is taught by Hamlin at col. 5, lines 14-22.

9.   As per claims 4 and 12, the "...said survey database...," is taught by
Hamlin at col. 13, lines 45-49,

the "...further comprises data indicating how said input fields...," is taught by
Hamlin at col. 11, lines 27-29 and col. 10, lines 37-39,

and the "...for each question should be displayed...," col. 7, lines 2-17.

10.   As per claims 5 and 13, the "...said survey database...," is taught by
Hamlin at col. 13, lines 45-49,

the "...further comprises data indicating a sequence for said one or more
questions...," is taught by Hamlin at col. 9, lines 10-15,

the "...and wherein said one or more questions are ordered according to said
sequence...," is taught by Hamlin at col. 9, lines 10-15,

and the "...when said class file is executed...," is taught by Piller at col. 9, lines
19-22.

11.   As per claim 6 and 14, the "...said survey database...," is taught by
Hamlin at col. 13, lines 45-49,

the "...further comprises data indicating whether each of said one or more
questions...," is taught by Hamlin at col. 14, lines 12-14,

the "...should be included in said electronic survey...," is taught by Hamlin at col.
12, lines 18-20 and col. 13, lines 45-49,

the "...and wherein said class file...," is taught by Piller at col. 6, lines 11-17,

the "...does not generate markup language...," is taught by Austin at col. 9, lines
21-23,

the "...for each of said one or more questions...," is taught by Hamlin at col. 14,

lines 12-14,

and the "...not to be included in said survey when executed...," is taught by

Hamlin at col. 12, lines 18-20, col. 13, lines 45-49, and col. 6, lines 52-53.

12.   As per claim 16, the "...execute said previously compiled class

file...," is taught by Piller at col. 9, lines 19-22 and col. 6, lines 11-17,

the "...in response to determining that said previously compiled class file should

be utilized...," is taught by Piller at col. 6, lines 11-17,

the "...and responding to said request...," is taught by Hamlin at col. 12, lines 27-

29,

and the "...with content generated by said previously compiled class file...," is

taught by Piller at col. 7, lines 32-34 and col. 6, lines 11-17.

13.   As per claim 17, the "...utilize said previously compiled class file...,"

is taught by Piller at col. 6, lines 11-17,

the "...if said request for said network resource is not a first request for said

network resource...," is taught by Hamlin at col. 5, lines 14-22,

the "...and if a software component for receiving said request...," is taught by

Hamlin at col. 5, lines 14-22,

"...has not been reset...," is taught by Austin at col. 17, lines 20-23,

the "...since a previous request...," is taught by Hamlin at col. 10, lines 47-50,

and the "...for said network resource...," is taught by Hamlin at col. 5, lines 14-22.

14.   As per claim 18, the "...retrieve data from said survey database...,"

is taught by Hamlin at col. 13, lines 57-61 and col. 13, lines 45-49,

the "...indicating whether each of said one or more questions...," is taught by

Hamlin at col. 7, lines 2-17,

the "...should be included in said response to said request...," is taught by Piller

at col. 5, lines 10-11 and col. 11, lines 56-62,

the "...and to create said class file in such a manner...," is taught by Piller at col.

9, lines 19-22,

the "...as to cause said class file only to generate content...," is taught by Piller at

col. 6, lines 11-17 and col. 7, lines 32-34,

the "...for displaying each of said one or more questions...," is taught by Hamlin at

col. 7, lines 2-17,

and the "...to be included in said response...," is taught by Piller at col. 5, lines

10-11 and col. 11, lines 56-62.

     15.   As per claim 19, the "...retrieve data from said survey database...,"

is taught by Hamlin at col. 13, lines 57-61 and col. 13, lines 45-49,

the "...indicating a sequence for each of said one or more questions...," is taught

by Hamlin at col. 9, lines 10-15,

the "...and to create said class file in such a manner...," is taught by Piller at col.

9, lines 19-22,

the "...as to cause said class file to generate content...," is taught by Piller at col.

6, lines 11-17 and col. 7, lines 32-34,

the "...for displaying each of said one or more questions...," is taught by Hamlin at

col. 7, lines 2-17,

and the "...according to said sequence specified by said survey database....," is

taught by Hamlin at col. 9, lines 10-15 and col. 12, lines 45-49.

16.   As per claim 20, the "...said web server computer...," is taught by

Piller at col. 10, lines 47-49,

the "...is operative to receive response data...," is taught by Hamlin at col. 10,

lines 2-4,

the "..corresponding to said input fields...," is taught by Hamlin at col. 11, lines

27-29 and col. 10, lines 37-39,

and the "...and to store said response data in a database...," is taught by Hamlin

at col. 13, lines 45-49.

17.   Claims 7-9 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Hamlin, Piller, and Austin as applied to claim 6 above, and

further in view of Underwood (U.S. Patent No. 6,609,128).

As per claim 7, the "...said survey database...," is taught by Hamlin at col.

col. 13, lines 45-49,

the "...corresponding to said electronic survey...," is taught by Hamlin at col. col.

13, lines 45-49,

but the "...further comprises an application name...,"

the "...form name...,"

and the "...and a version number...," are not taught by either Hamlin, Piller, or

Austin.

However, Underwood teaches the use of an application name, a form

name, and a version number as follows:

"...The title of the page should reflect the application name "/" activity name..." at col. 175, lines 13-15.

"...Set the HTML name of the form..." at col. 63, lines 32-34.

"...VSS uses version numbers to keep track of every change one makes to your files and projects..." at col. 255, lines 66-67.

It would have been obvious to one ordinarily skilled in the art at the time of the invention to combine Underwood with Hamlin, Piller, and Austin to use application names, form names, and version numbers in order to allow the markup languages to address different components of the system. Hamlin, Piller, Austin, and Underwood have related applications and use related technologies. Hamlin, Piller, Austin, and Underwood teach the use of computers, the use of networks, the use of clients, the use of servers, the sending of requests, and the sending of responses, Hamlin, Austin, and Underwood teach the use of databases, the use of fields, the use of formats, and the use of browsers, and Piller, Austin, and Underwood teach the use of object classes. Hamlin provides the survey database with questions, the sending of requests, the sending of responses, and using web browsers, Piller provides compiled class files, and Austin provides the markup languages and field types, and Underwood provides application names, form names, and version numbers.

18.   As per claim 8, the "...said request is received at a web server computer...," is taught by Piller at col. 12, lines 21-24 and col. 10, lines 47-49, the "...maintaining said network resource...," is taught by Hamlin at col. 5, lines 15-21,

and the "...from a web browser...," is taught by Hamlin at col. 5, lines 62-65.

19.   As per claim 9, the "...said web server computer...," is taught by Piller at col. 10, lines 47-49,

the "...is operative to receive response data...," is taught by Hamlin at col. 10, lines 2-4,

the "..corresponding to said input fields...," is taught by Hamlin at col. 11, lines 27-29 and col. 10, lines 37-39,

and the "...and to store said response data in a database...," is taught by Hamlin at col. 13, lines 45-49.

Conclusion

20.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harold E. Dodds, Jr. whose telephone number is (703)-305-1802. The examiner can normally be reached on Monday - Friday 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene can be reached on (703)-305-9790. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from
the Patent Application Information Retrieval (PAIR) system. Status information
for published applications may be obtained from either Private PAIR or Public
PAIR. Status information for unpublished applications is available through
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direct.uspto.gov. Should you have questions on access to the Private PAIR
system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-
free).

Harold E. Dodds, Jr.
Patent Examiner
September 16, 2004

GRETA ROBINSON
PRIMARY EXAMINER